

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 09 April 2025 at 10.15 am

Present: Cllr D A Flagg, Cllr P Sidaway and Cllr L Williams

97. Election of Chair

**RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.**

Voting: Unanimous

98. Apologies

There were no apologies.

99. Declarations of Interests

There were no declarations of interest.

100. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking at licensing hearings was noted.

101. Dancing Jug, 2 Southbourne Grove, Bournemouth, BH6 3RP

Present:

From BCP Council:

Sarah Rogers – Licensing Officer  
Linda Cole – Legal Advisor to the Sub-Committee  
Sinead O’Callaghan – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix ‘A’ to these minutes in the Minute Book.

The Licensing Sub-Committee was asked to consider an application made by Mr Ion Mugarel Sumanariu for a premises licence at Dancing Jug, 2 Southbourne Grove, Bournemouth, BH6 3RP. The application was to permit the following licensable activities:

- Live and Recorded Music (indoors) - Monday to Saturday 10:00 to 00:00 and on Sunday 10:00 to 23:30
- Late Night Refreshment (indoors) - Monday to Saturday 23:00 to 00:00 and on Sunday 23:00 to 23:30
- Supply of Alcohol (on and off sales) Monday to Saturday 10:00 to 00:00 and on Sunday 10:00 to 23:30
- An extension on New Year's Eve from 10:00 to 00:00 on 2nd January each year was also requested

The Licensing Authority had received 1 representation from an other person on the grounds that to grant the application would undermine the prevention of public nuisance licensing objective.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

For the Applicant:

Mugarel Sumanariu – Applicant

Jalal Hajabrahim – Owner

Kerry Mesher - DPS at Bournemouth Dancing Jug

Other Person:

Felicity Spence - Resident

The Sub Committee asked various questions of all parties present and was grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

Decision:

**RESOLVED** that the application for a premises licence at Dancing Jug, 2 Southbourne Grove, Bournemouth, BH6 3RP, be **GRANTED** as applied for subject to

- 1 the amendments mediated by Environmental Health to cease live music at 23:00 each day of the week and the additional conditions agreed as set out below**
  - A noise limiter shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, to ensure that no noise nuisance is caused to local residents or businesses.
  - The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder.
  - The limiter shall not be altered without prior agreement with the Environmental Health Service.

- **No alteration or modification to any existing sound system(s) should be affected without prior knowledge of an authorised Officer of the Environmental Health Service.**
- **No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.**
- **All controls in respect to preventing noise from live and recorded music from the venue as outlined under the 'Prevention of Nuisance' section (M) shall be implemented for the duration of the opening hours and not only after 23:00 when the provisions of the Live Music Act cease to come into effect.**
- **No live or recorded music to be played in the proposed new beer garden area.**

**2 all conditions proposed by Dorset Police and agreed by the applicant as set out in appendix 4 of the Report**

**In addition, the premises licence will include all conditions offered in the applicant's operating schedule at Part M of the application, with condition 3.3.2 amended to read;**

- **The proposed beer garden and external smoking area shall not be put into use until such time as a further acoustic report has been submitted to and approved by the Environmental Health Department confirming that the required sound reduction has been achieved and the external area is built in accordance with the specification outlined in Acoustic report ATTUNE Ref: 26927REP-1C or an equally effective level of acoustic mitigation is achieved.**

**Reasons for Decision:**

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5, together with the additional information from BCP Environmental Health contained within the supplementary papers and the verbal submissions made at the hearing by the applicant, Mr Jalal Hajabrahim, the owner of the premises and the objector Felicity Spence, a local resident.

The Sub-Committee was mindful that the only representation made was on the grounds of the prevention of public nuisance and that it considers Environmental Health as its main source of advice on public nuisance. The Sub Committee noted the email correspondence from Mr Andrew Hill, Senior Environmental Health Officer, which was included in the supplementary Information and noted the successful mediation that had taken place between the applicant, Mr Hill and Dorset Police. This mediation led to the applicant agreeing several conditions proposed by Environmental Health and Dorset Police to uphold the Licensing Objectives of Prevention of Public Nuisance and Prevention of Crime and Disorder.

The Sub-Committee noted the representation and verbal submission made by Felicity Spence, who highlighted that there were already several licensed premises in the area and there would be more noise, litter, traffic and general anti-social behaviour if the premises were granted a licence. She also raised concerns about waste collection and the number of bins already situated on residential roads and its impact on residents. The Sub-Committee noted that the premises was to have its own bin store situated at the rear of the premises and waste collectors would retrieve and return the bins directly from the bin store.

The Sub-Committee could not take into consideration the number of licensed premises already in the area as the premises is not situated in a communitive impact area. They could only consider whether this premises would undermine the prevention of public nuisance licensing objective. They noted the concerns raised but were satisfied that if the premises was operated responsibly and complied with the conditions agreed during mediation, that the licensing objectives should be upheld.

The Sub-Committee noted the proposed change to the DPS from Juliana Dorris Tower as set out in the application to Kerry Mesher. The premises will need to make the appropriate application prior to opening as agreed by the applicant during the hearing.

In conclusion, the Sub-Committee was satisfied that if the premises operated in accordance with all the conditions now attached to the premises licence the premises should not undermine the licensing objectives.

The Sub-Committee was mindful of the spirit of the Licensing Act 2003 and the presumption to grant and the case of Thwaites PLC v Wirral Borough Magistrates' Court 2008.

It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.